

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

CONSUMER FINANCIAL PROTECTION
BUREAU; COMMONWEALTH OF
MASSACHUSETTS; THE PEOPLE OF
THE STATE OF NEW YORK, by LETITIA
JAMES, Attorney General of the State of
New York; and COMMONWEALTH OF
VIRGINIA, *EX REL.* MARK R. HERRING,
ATTORNEY GENERAL,

Plaintiffs,

v.

NEXUS SERVICES, INC., LIBRE BY
NEXUS, INC., MICHEAL DONOVAN,
RICHARD MOORE, and EVAN AJIN,

Defendants.

Case No.: 5:21-cv-00016-EKD

OPPOSITION TO MOTION TO WITHDRAW

Plaintiffs, the Consumer Financial Protection Bureau, the Commonwealth of Massachusetts, the State of New York, and the Commonwealth of Virginia, (“Plaintiffs”), by counsel, state as follows in opposition to the motion filed by Mario B. Williams, Esq. and the law firm of NDH, LLC seeking leave to withdraw as counsel for Defendants, Nexus Services, Inc., Libre by Nexus, Inc., Micheal Donovan, Richard Moore, and Evan Ajin (“Defendants”).¹

1. Counsel for Defendants, Mario B. Williams and John M. Shoreman, each filed motions for leave to withdraw on June 21, 2021.

2. Mr. Williams’s motion states as the only basis for withdrawal that

¹ ECF No. 39.

“[p]ursuant to Rule 1.16 of the Rules of Professional Conduct of the Virginia State Bar,” he “is unable to continue to represent the Defendants in this matter because of, amongst other reasons, irreconcilable differences.” ECF No. 39 ¶ 1.

3. The motion represents that, as of its filing, Defendants had not yet secured new counsel and that new counsel was expected to enter an appearance after the June 22, 2021 hearing on Defendants’ motion to dismiss. ECF No. 39 ¶¶ 3, 5. No new counsel has appeared.

4. Local Rule 6(i) provides that “[n]o attorney of record shall withdraw from any cause pending in this Court, except with the consent of the Court for good cause shown.” W.D. Va. Gen. R. 6(i). *See also United States v. Johnson*, 114 F.3d 435, 442 (4th Cir. 1997) (providing that leave to withdraw as counsel may be granted in the discretion of the court); *United States v. Miles*, No. 2:18-cr-56, 2019 U.S. Dist. LEXIS 146829, at *5 (E.D. Va. Aug. 28, 2019) (noting that “[t]he Fourth Circuit has recognized that motions to substitute counsel cannot be used to manipulate or delay proceedings” and that “a district court has an interest in keeping its docket moving”).

5. Defendants’ counsel has not shown good cause to withdraw.

6. Plaintiffs will be prejudiced by the withdrawal of Defendants’ counsel before substitute counsel has appeared. Plaintiffs have served discovery requests to Defendants, responses to which are due on July 9, and Defendants’ Rule 26(a)(1) Initial Disclosures are due to Plaintiffs on July 22, 2021.

7. Plaintiffs respectfully request that the motion for leave to withdraw be denied or deferred until substitute counsel for Defendants has entered an appearance.

Dated: July 2, 2021

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 2, 2021, I filed a true and correct copy of the foregoing Brief in Opposition to Motion to Withdraw with the Court using the CM/ECF filing system which notifies Defendants electronically by email to all attorneys of record.

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